

DOCKET FILE COPY ORIGINAL

P.O. Box 99, Rustburg, Virginia 24588

Before the Federal Communications Commission  
Washington, DC

In the Matter of:

Request for Review by Campbell County, Virginia )  
Public Schools of a Decision of the Universal )  
Service Administrator )

)  
Federal Joint Board on Universal Service ) CC Docket No. 96-45

)  
Changes to the Board of Directors of the )  
National Exchange Carrier Association ) CC Docket No. 97-21

Request for review submitted by Campbell County Schools, Virginia,  
entity number 150889, Funding Request number 256547.

Campbell County Public Schools requests Federal Communications Commission review of a SPIN  
change request denial by the Schools and Libraries Division (SLD) issued September 11, 2000.

On December 6, 1999, Campbell County Public Schools requested a SPIN change from our original  
service provider, A and J Technologies, Inc. to Compaq Computer, Timebridge Technologies and Global  
Horizons (Attachment A). On September 11, 2000, the SLD denied our request (Attachment B).

As stated in our Spin Change Request, Campbell County Public Schools determined A&J Technologies  
to be an unsuitable vendor because they had failed to meet initial project deadlines and had made an  
internal decision to discontinue data operations. In our opinion, this internal decision by A&J had the  
effect of A&J going out of business. Although A&J was a viable company, that company was no longer  
able to fulfill its contract with us. We were forced to find an alternative solution for our needs. We  
decided to portion the contract, which resulted in the same level of service at a lower cost.

In the March 16, 2000 Copan decision, the Commission concluded that:

"Just as we cannot anticipate the variety of factual circumstances in which it may be reasonable to  
substitute service providers, we likewise cannot anticipate the circumstances in which it may be  
reasonable to select a substitute service provider that did not participate in the initial competitive bidding  
for that applicant. For example, if the original bidders are no longer willing to provide the requested  
service, or if the applicant discovers a provider offering more competitive prices, then we believe that the  
applicant should have the flexibility to select the provider whose service offering best meets the  
applicant's needs."

***Together, with Today's Children, we will Build for Tomorrow***

Telephone Numbers: Altavista & Brookneal - 1-888-332-3558; Lynchburg & Rustburg - 804-332-3458; Fax - 528-1655 or 332-8222

We have complied with all other requirements of Copan, as the Compaq Computer statewide contract was available while our original 470 was posted, and A&J assigned to Timebridge their portion of the contract as specified in SLD guidelines. Although we contracted Global Horizons, an original respondent to our initial RFP, before we were aware of Timebridge's assumption of A & J's contracts, we can understand SLD's reluctance to recognize our claim, but the other two service providers clearly followed SLD requirements.

We also attempted to structure the Timebridge contract so that the company would serve as the master biller, for E-Rate purposes. By the time Timebridge assumed A&J's data contracts, however, all invoices with Compaq had been paid, and re-issuing invoices became too complicated. Therefore, Timebridge asked that we keep the billing separate.

We ask the Commission to overturn this decision by SLD and grant our SPIN change requests.

Respectfully Submitted this Monday, September 25, 2000,

A handwritten signature in cursive script, appearing to read "Wm B Skinner".

William B. Skinner  
Campbell County Public Schools  
684 Village Highway, P. O. Box 99  
Rustburg, Virginia 24588  
804-332-8250  
Fax: 804-528-1655



UNIVERSAL SERVICE  
ADMINISTRATIVE CO.

Box 125 – Correspondence Unit  
80 South Jefferson Road  
Whippany, New Jersey 07981

SCHOOLS AND LIBRARIES DIVISION

### **Administrator's Decision on SPIN Change**

September 11, 2000

William B. Skinner  
Campbell County School District  
PO Box 99  
Rustburg, VA 24588

Re:    Application Number:        150889  
      Funding Request Numbers:   256547  
      Funding Year:                1999-2000

After thorough review and investigation of your letter seeking approval to change Service Provider Identification Number (SPIN) and service provider for the funding year listed above, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company has made the following determination on each Funding Request Number that was included in your inquiry for the above referenced Application Number.

Funding Request Numbers:    FRN's listed above  
Decision on inquiry to change SPIN number and service provider:   Denied

The following explanation is provided to inform you of the reason for our decision on these Funding Request Numbers.

Your request would require the SLD to split an existing Funding Request Number (FRN) into two or more FRNs. The SLD cannot accommodate your request because we are limited to the FRNs as listed in your original Form 471. The only way to change those FRNs is through the Receipt Acknowledgement Letter (RAL) correction process, which occurs prior to the funding commitment process.

Since your request was not processed in the pre-commitment phase, it is being denied.

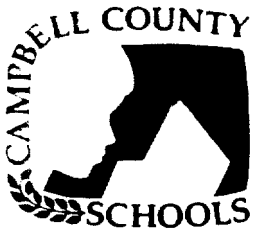
We strongly encourage you to work with your service providers to seek a solution (such as shared billing) that will allow you to fully utilize the funding for which you were approved.

If you feel further examination of your application is in order, you may file an appeal with the Federal Communications Commission, Office of the Secretary, 445 12<sup>TH</sup> Street, S.W., Room TW-A325, Washington, DC 20554. Before preparing and submitting your appeal, please be sure to review the FCC rules concerning the filing of an appeal of an Administrator's Decision, which are posted to the SLD Web Site at <[www.sl.universalservice.org](http://www.sl.universalservice.org)>. The appeal must be filed with the FCC no later

than 30 days from the date of the issuance of this letter, in order for the appeal to be filed in a timely fashion.

Thank you for your continued patience and cooperation during the decision process.

Schools and Libraries Division  
Universal Service Administrative Company



P. O. BOX 99, RUSTBURG, VA 24588

September 26, 2000

SPIN Correction/Change Request  
Schools and Libraries Division  
Box 125—Correspondence Unit  
80 S. Jefferson Road  
Whippany, NJ 07981

**ATTACHMENT A**

**SPIN CHANGE REQUEST**

Application Number: 0000150889  
Billed Entity Number: 126642  
Funding Request Number: 0000256547  
Original Service Provider SPIN: 143006383 A&J Technologies Inc.  
Corrected SPIN Numbers: 143004850 Compaq Computer Corporation  
143006082 Timebridge Technologies, Inc.  
143019479 Global Horizons

On April 1, Campbell County School Division notified A&J Technologies of our intention to award them the contract based on their response to our RFP. The projects were not scheduled to begin until July 1, because of our procurement regulations and because we were waiting for final approval by the school board of the school budget. During the interim, we found later, the company was undergoing significant upheaval. On May 24, we wrote to the president of A & J informing him that obligations from a previous contract had not been met. We also questioned whether we should proceed with A&J to complete the new project. We received no written response to our letter.

At the start of July, when we sought to finalize the final details related to the contract with A&J, we met with continuous delays and problems. The company failed to respond to repeated requests for information, and seemed unwilling to define a timetable or job specifics. At the start of August, the job still had not begun; in fact, no determination of any work schedule had been made. We finally found out the second week of August that the company had made the decision to close its data operations and to focus on phone operations. Many of the engineers and people that we had or would be working with either resigned or had been laid off by the company. I notified the company by phone of our decision not to continue our contract with them, and wrote a letter about the decision to our procurement officer. She then notified all parties who had provided responses to our initial RFP.

Because the problems with A & J continued until a time late in the summer, we felt that the full project could not be completed before school started, so we made some changes in the project, deleting all the fiber components and adding an additional router to replace the fiber. Returning to the original proposals other vendors had made to our RFP was difficult because we had now changed the project somewhat and because over five months had passed since the submission of the original proposals. We even debated whether we should resubmit a new RFP. Rather than delay the project any longer, we decided

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to purchase as many of the materials as possible under the Virginia purchasing contract (a contract competitively negotiated between various vendors and the state procurement agency for purchases by government and educational institutions). The cost on the state contract was actually less than the prices quoted in all of the original RFP responses, and our division's procurement regulations state that when possible we should purchase from the state contract. We started with our most pressing need—the purchase of the servers from Compaq for the state contracted price.

We then defined the labor and installation requirements from the original RFP into smaller components and asked the top companies responding to the original RFP to provide quotes. The first component for which we solicited quotes was the service and maintenance contract which was awarded to Global Horizons.

During this process, some of the former employees of A & J Technologies joined together to open a Virginia branch of Timebridge Technologies, Inc. They approached us concerning the earlier contract we had negotiated with A & J, their former employer, for the original RFP. They had legally assumed all contracts held by A & J Technologies, including our contract and one for the local government. Because of this, we felt it more expeditious to provide them with the remainder of the adjusted RFP, which at this point was primarily the purchase of the Cisco products (Timebridge held the state contract for Cisco products) and the installation of the servers.

Consequently, our original request for e-rate funds with A&J Technologies was divided among three companies, and we are, therefore, asking for a change based on your second category. Although A&J Technologies, Inc., has not gone out of business, it has ceased data operations and could not satisfactorily complete the job. We will actually be requesting fewer E-rate funds, because we redefined the project and are using, when possible, the state purchasing contract which provides lower prices.

I am not sure what documentation you need, and have included a letter from our representative with A&J Technologies indicating the changes in the company, the letter I sent to our procurement officer, and a copy of the legal document that allows Timebridge Technologies to assume the contracts made with A&J Technologies. I have also included a copy of Item 17 from the original 471, modified to show the deleted components, the new prices, and the new service providers. Please let me know what else you may require. Phone: 804-332-8250; Email: [bskinner@campbell.k12.va.us](mailto:bskinner@campbell.k12.va.us).

Sincerely,

William B. Skinner  
Director of Technology

**Item 17 - List of Services**

Name of Applicant: Campbell County School District  
 Universal Control Number: 737570000139355  
 Service Provider: 143006383 A&J Technologies, Inc.  
 Shared Services: Internal Connections

Contact: William B. Skinner  
 Contact Telephone: 804-332-8250  
 Contract Number: CCSD45-99  
 Average Discount Rate: 52%

<b>Service Description</b>	<b>Qty</b>	<b>Estimated Eligible Prediscount Total Charges</b>	<b>Revised Estimated Prediscount Total Charges</b>	<b>Changes/Revised Service Provider</b>
Burial Fiber	4100	\$6,560.00	\$0.00	Deleted from project
Plenum Fiber	850	\$1,275.00	\$0.00	Deleted from project
Fiber Consumables	108	\$216.00	\$0.00	Deleted from project
Fiber Misc.	120	\$933.20	\$0.00	Deleted from project
Misc	2	\$1,000.00	\$0.00	Deleted from project
Rack Mounts & Brackets	3	\$329.00	\$0.00	Deleted from project
Media Converter	3	\$682.50	\$0.00	Deleted from project
Hubs & routers	10	\$7,658.37	\$5,889.30	143006082 Timebridge Technologies
Router Maintenance	12 mon.	\$1,090.00	\$1,165.00	143006082 Timebridge Technologies
Installation	1	\$22,085.00	\$8,011.25	143006082 Timebridge Technologies
16 port modems	1	\$3,300.00	\$0.00	Not eligible for e-rate funds
Modem management	1	\$1,200.00	\$0.00	Not eligible for e-rate funds
Patch panel & cables	17	\$146.00	\$0.00	Deleted from project
File Servers	14	\$87,570.00	\$68,562.00	143004850 Compaq Computer Corp.
Service & Maintenance contract	1	\$19,000.00	\$12,560.00	143019479 Global Horizons
<b>Total</b>		<b>\$153,045.07</b>	<b>\$96,187.55</b>	

August 5, 1999

Mr. William Skinner  
Director of Technology  
Campbell County Public Schools  
P.O. Box 99  
Rustburg, Va 24588

Dear Mr. Skinner:

I am writing this letter to inform you that I have terminated my employment at A&J Technologies effective July 31, 1999. As you were aware, many changes have taken place at A&J this year. With the most recent change, I was informed by my new manager that A&J would no longer focus on data networking. This was in direct conflict with my career goals. Consequently I have resigned from A&J Technologies.

I enjoyed the opportunity to work with you and your staff and wish you and Campbell County Public Schools much success.

Sincerely,

  
Janet Pelham  
Account Manager



CAMPBELL COUNTY SCHOOLS  
684 VILLAGE HIGHWAY, P. O. BOX 99  
RUSTBURG, VA 24588

TO: CAROLYN ROAKES, CENTRAL PURCHASING

FROM: MARY SHIVELY, BUSINESS MANAGER  
WILLIAM B. SKINNER, DIRECTOR OF TECHNOLOGY

DATE: AUGUST 9, 1999

SUBJECT: REQUEST FOR PROPOSAL CCADM 053-FY99  
TELECOMMUNICATIONS INFRASTRUCTURE

Campbell County Schools has decided to reject all of the responses to RFP CCADM 053-FY99.

A&J Technologies, whose proposal had initially been favored, underwent an organizational change that delayed the start of the project until it is no longer feasible to be able to complete it before school starts. In addition, A&J Technologies has retired the data side of its business and is now focusing only on phone technologies. Consequently, they would no longer be suitable to manage this project.

Rather than accept one of the other proposals which are now six months old, we re-evaluated the RFP and have decided to modify the project. We have deleted those components that could not be completed before school started. The remaining elements can be purchased from the state contract at the same costs or less. Therefore, we have no need to accept any of the proposals.

ASSIGNMENT OF CONTRACT

FOR VALUABLE CONSIDERATION, A&J Technologies, Inc., a Virginia corporation (hereinafter referred to as "Assignor"), does hereby transfer, assign and convey to TimeBridge Technologies, Inc., a Delaware corporation, its successors and assigns (hereinafter referred to as "Assignee"), all of Assignor's right, title and interest now owned, or which Assignor may own, in and to all of the contracts with the County of Campbell Virginia listed and described on Exhibit "A" attached hereto and by this reference incorporated herein.

Assignee hereby assumes, from and after the date hereof, Assignor's obligations, if any, under said contracts and agrees to indemnify, release and hold harmless Assignor from and against any liability arising out of any default in the performance by Assignee of its obligations under each such contract, which default occurs after the date hereof.

Assignor hereby agrees to indemnify, release and hold harmless Assignee from and against any liability arising out of any default in the performance by Assignor of its obligations under each such contract, which default occurs on or prior to the date hereof.

AND ASSIGNOR REPRESENTS AND WARRANTS TO ASSIGNEE that, as of the date hereof, Assignor has not been given written notice of the existence of any defaults of Assignor under any of the contracts assigned herein, and is not aware of the existence of any such default or of the occurrence of act, omission or event which, with the lapse of time or giving of notices or both, would constitute such a default on the part of Assignor.

This Agreement may be executed in counterparts, each of which shall be deemed to be an original but all of which shall be one and the same document.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the  
20th day of October, 1999.

ASSIGNOR:

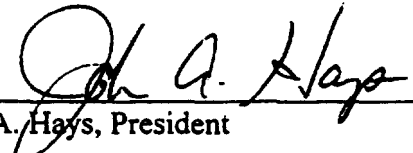
WITNESS:



A&J Technologies, Inc.

a Virginia corporation

By:

  
John A. Hays, President

ASSIGNEE:

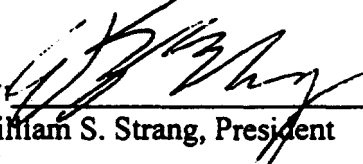
WITNESS:



TimeBridge Technologies, Inc.

a Delaware corporation

By:

  
William S. Strang, President

The County of Campbell hereby signifies its approval hereafter for the sole purpose of allowing the Assignment described herein.

For the County of Campbell, Virginia

By:

  
R. David Laurrell, County Administrator

EXHIBIT A

Notice of Award

Contract for County-wide Network and E-Mail System

July 16<sup>th</sup> 1999 revised quotation in response to CCADM 070-FY99

✓ ~~RFP~~: CCAM 053-FY99 Telecommunications Infrastructure

✓ Contract for Campbell County Public Schools

Contract for Campbell County Public Libraries